

# ***Disapproving of a U.S. Fish and Wildlife Service final rule that seizes authority away from the State of Alaska to manage fish and wildlife on federal wildlife refuges in Alaska – a clear violation of federal law.***

## **H.J. Res. 69 (Rep. Don Young)**

### **The Rule:**

On August 5, 2016, the Department of Interior and U.S. Fish and Wildlife Service released its final “Non-Subsistence Take of Wildlife, and Public Participating and Close Procedures, on National Wildlife Refuges in Alaska” rule ([81 Fed. Reg. 52247](#)). In violation of the Alaska Constitution and the Alaska National Interest Lands Conservation Act (ANILCA), this rule fundamentally undermines Alaska’s authority to manage fish and wildlife on state, private and federal lands.

On February 7, 2017, Alaska Congressman Don Young introduced H.J. Res. 69, a resolution of disapproval to overturn the FWS rule:

*“Not only does this action undermine Alaska’s authority to manage fish and wildlife upon refuge lands, it fundamentally destroys a cooperative relationship between Alaska and the federal government. I continue to fight to protect Alaska’s sovereignty and management authority and will use every tool at my discretion to strike this rule,” said Congressman Don Young.*

### **Violation of the Law:**

Federal law grants the State of Alaska, with limited exception, the authority to manage fish and wildlife resources throughout Alaska.

- The Alaska Statehood Act clearly grants Alaska the full authority to manage fish and wildlife in Alaska, including on federal lands (P.L. 85-508, § 6(e)).
- Under this authority, state statute and the Alaska Constitution – which requires the management of wildlife and natural resources for “maximum use with the public interest,” for the maximum interest of its people” and “maintained on the sustained yield principal” (Alaska Const. Art. VIII, §1, 2, and 4) – the Alaska Department of Fish and Game administers state adopted regulations for wildlife resources.
- The Alaska National Interest Lands Conservation Act (ANILCA), a carefully crafted compromise enacted in 1980 with Alaska sovereignty in mind, protects and affirms Alaska’s management authority of fish and wildlife across the state – on state, private, and federal lands (P. L. 96 – 487, §1314)
  - §1314, “Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands...”

The Fish and Wildlife Service asserts their actions – to restrict certain types of Alaska fish and wildlife management practices on wildlife refuges – are allowed under the National Wildlife Refuge System Improvement Act (NWRISIA) (P.L. 105-57). As an original sponsor of that legislation, Congressman Young knows that the Fish and Wildlife Service proposal is contrary to the original congressional intent of NWRISIA and specifically ignores language in the bill to protect the integrity of ANILCA and Alaska’s management authority.

- NWRISIA specifically states, the “Alaska National Interest Lands Conservation Act shall prevail” if any conflict arises between this Act and ANILCA (§ 9 (b)).

***H.J. Res. 69 would overturn yet another egregious power grab by Washington, D.C. bureaucrats. If unchallenged, this action could have serious implications for the Lower 48 and set precedent for future top-down management policies in wildlife refuges across the country.***

### **The Rule: Enormous in Scope, Sets Dangerous Precedent**

The scope of the proposed Fish and Wildlife Service rule is enormous. The rule applies broadly to 16 federal wildlife refuges in Alaska, amounting to 76.8 million acres or 20 percent of the state of Alaska – roughly equal in size to New Mexico.

The FWS rule preempts Alaska’s authority, as outlined in federal law, to manage its fish and wildlife populations.

This rule not only fundamentally alters how national wildlife refuges and the fish, wildlife, and habitats on them are managed; it also changes the relationship of the Fish and Wildlife Service and Alaska from one of cooperation to servitude.

### **Overwhelming Support to Overturn Illegal Rulemaking**

The rule is strongly opposed by the State of Alaska, a united Alaska Congressional Delegation, and numerous local and national groups and organizations.

- The State of Alaska [filed a lawsuit](#) against the Department of Interior and Fish and Wildlife Service on January 13, 2017 to overturn the August 5th final rule.
  - On February 13, 2017, the Alaska Department of Fish and Game Commissioner, Sam Cotton, [wrote a letter](#) supporting the passage of H.J. Res. 69.
- Safari Club International, with the support of the Alaska Chapter and Alaska Kenai Peninsula Chapter, [filed a lawsuit](#) to overturn this rule on January 19, 2017.
- On February 6<sup>th</sup>, twenty-seven sportsmen’s conservation groups [sent a letter](#) to Speaker of the House Paul Ryan and Majority Leader Kevin McCarthy in support of H.J. Res. 69.
- The Alaska Federation of Natives, the Alaska Outdoor Council, and the Association of Fish and Wildlife Agencies – representing the interests of all 50 states – and much of the hunting and angling community in Alaska have all expressed opposition to this rule.

### **Previous Legislative Action:**

Throughout the rulemaking process, Congressman Young successfully moved legislation in the House to overturn the U.S. Fish and Wildlife rule:

- On February 26, 2016, Congressman Young successfully included an amendment within the House-passed H.R. 2406, the Sportsmen Heritage and Recreational Enhancement (SHARE) Act, to strike the FWS proposed rule. The amendment passed 236 to 169.
- On July 14, 2016, Congressman Young successfully included an amendment to the FY 17 Department of Interior, Environment and Related Agencies Appropriations Act, that would have prohibited funds from being used to issue the U.S. Fish and Wildlife Service rule. The amendment was passed by voice vote.